

ESTTA Tracking number: **ESTTA171459**Filing date: **10/29/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	RA Brands, LLC		
Entity	Limited Liability	Citizenship	Delaware
Address	870 Remington Drive Madison, NC 27025 UNITED STATES		

Attorney information	Randel S. Springer Womble Carlyle Sandridge Rice PLLC 1 West Fourth Street Winston Salem, NC 27101 UNITED STATES trademarkswinston@wcsr.com, rspringer@wcsr.com, tsharp@wcsr.com Phone:336-721-3747
----------------------	---

Registration Subject to Cancellation

Registration No	2945099	Registration date	04/26/2005
Registrant	BURNS, ROBERT AUSTIN JR. 4004 COUNTRY OAKS DRIVE WAXHAW, NC 28173 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 2001/06/01 First Use In Commerce: 2001/07/01
All goods and services in the class are cancelled, namely: HUNTING STANDS

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	78738013	Application Date	10/21/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SUPER MAG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 013. First use: First Use: 1998/00/00 First Use In Commerce: 1998/00/00		

	Firearms
--	----------

Attachments	78738013#TMSN.jpeg (1 page)(bytes) Cancellation.pdf (3 pages)(75931 bytes)
-------------	--

Signature	/Randy Springer/
Name	Randel S. Springer
Date	10/29/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No. 2,945,099

For the Mark: SUPERMAG

Date Registered: April 26, 2005

RA Brands, L.L.C.

Petitioner,

v.

Robert Austin Burns, Jr.

Registrant.

:
:
:
:
:
:
:
:
:
:

Cancellation No.: _____

PETITION TO CANCEL

RA Brands, L.L.C., a Delaware limited liability company, having a place of business at 870 Remington Drive, Madison, North Carolina ("Petitioner"), believes that it will be damaged by U.S. Reg. No. 2,945,099 for the trademark SUPERMAG, and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Petitioner has adopted and continuously used the trademark SUPER MAG ("Petitioner's Mark") in interstate commerce since at least as early as 1997 in connection with the sale of firearms.

2. On April 26, 2005, Robert Austin Burns, Jr. ("Registrant") obtained U.S. Reg. No. 2,945,099 for the mark SUPERMAG for hunting stands.

3. Registrant's SUPERMAG application was filed on June 24, 2003 and the registration claims July 1, 2001 as the date of first use in interstate commerce.

4. Petitioner's use of its SUPER MAG mark predates Registrant's filing date and claimed date of first use in interstate commerce.

5. Petitioner has sought federal registration of the mark SUPER MAG in connection with firearms in International Class 13 through its filing of United States Trademark Application Serial No. 78/738,013. The Examining Attorney has refused registration of Petitioner's Mark on the grounds that Petitioner's Mark so resembles the mark which is the subject of Registrant's registration as to be likely to cause confusion, to cause mistake, or to deceive.

6. Because the Examining Attorney has refused registration of Petitioner's Mark based on Registrant's registration, Petitioner will be damaged by the continued existence of Registrant's registration.

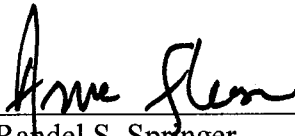
WHEREFORE, Petitioner deems that it is and will continue to be damaged by U.S. Reg. No. 2,945,099, and prays that this registration be canceled.

The Commissioner is hereby authorized to charge the \$300.00 filing fee to Deposit Account No. 500517. The Commissioner is also authorized to charge any deficiency in the payment of the filing fee or credit any overpayment to Deposit Account No. 500517.

Respectfully submitted,

Dated: October 29, 2007

By:



Randel S. Springer

Anne C. Fleeson

Womble Carlyle Sandridge & Rice, PLLC

One West Fourth Street

Winston-Salem, North Carolina 27101

Telephone: (336) 721-3747

Facsimile: (336) 726-6991

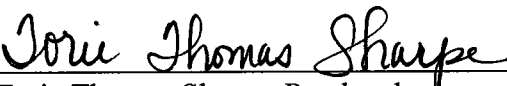
E-Mail: RSpringer@wcsr.com

Attorneys for Petitioner RA Brands, L.L.C.

CERTIFICATE OF MAILING

I do hereby certify that on October 29, 2007, I filed via electronic means (ESTTA) this
Petition to Cancel with the:

U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
Box TTAB – NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513



Torie Thomas Sharpe, Paralegal